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February 4, 2006

Request for Reconsideration
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
Application/Control Number: 10/737,329
Art Unit: 3673
Examiner: Gay Ann Spahn
Supervisory Patent Examiner: Heather Shackelford

Dear Ms. Spahn,

This letter is a formal request for reconsideration to the United States Patent and Trademark Office for the continued processing of the above-referenced utility patent application.

I applied to the United States Patent Office in Washington, DC back in December of 2003 for a utility patent.

In a letter dated January 19, 2006 from the Office of Petitions Attorney, Mr. Cliff Congo, the US Patent and Trademark Office dismissed *my entire patent application* based on the fact that it "received" my response on April 29, 2005 rather than April 26, 2005. However, the USPTO did state in their letter that had I mailed the correspondence by US Postal Service Express Mail rather than US Postal Service Regular First-Class Mail, it *would have been accepted*. Or, if I had asked for a "Certificate of Mailing" rather than an official US Postal Service Mailing Receipt, it *would have been accepted*.

I sincerely believe that this rejection of this correspondence due to a mailing deficiency is unlawful. Basically, this federal institution is rejecting the authority and legitimacy of another federal institution, namely the United States Postal Service! If a document is mailed at, and postmarked by, the United States Postal Service, and is further verified by a receipt supplied by this agency, then the document has been "officially mailed". If not, then why do we have post marks and receipts from the United States Post Office? If such post-marks and receipts are not sufficient, then the United States Post Office should be required to provide United States citizens with fully legitimate documentation. As I recall my American history, the US Post Office was established many years before the Patent and Trademark Office.

When I mailed this response, it was my understanding that a first class letter, mailed at, stamped and dated on, or before, the due date, including a formal receipt issued by the US Postal Service with the date, time, transaction number, name of postal agent, weight of package, etc. would be more than sufficient proof of mailing. The fact that the package was "officially received" in Washington, DC on April 29th only 3 days after the

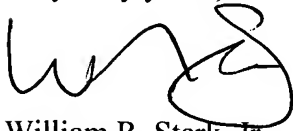
due date – proves that it was mailed from California on April 26th or sooner! Even if I had mailed the package Express Mail, it most likely would not have been delivered any sooner than it was. Three days from coast to coast is pretty good, if you ask me. Why would “Express Mail” be acceptable and “First-Class Mail” somehow be deficient?

Most everything sent by US Mail is based upon the date of mailing – NOT the date of receipt! The letter sent to me by USPTO was dated January 26, 2005, yet I did not receive it until early February. That letter was not sent by Express Mail nor was it sent with a Certificate of Mailing. You state that I have three months from the date of your letter to respond; so what goes? You need to modify that statement because it is very misleading, if not fraudulent. Even the Internal Revenue Service does not require Express Mail or Certificates of Mailing on important tax documents. Had I even been aware of such a requirement, I would have requested a one month extension; but I had no idea and I am certain that the average citizen would have no idea of such a technicality on a simple mailing of information to support a patent application. I find this whole incident quite disturbing. Being a public institution your charter is to support the American people, not find innovative ways to thwart the entire patent application process.

Rejecting this mailing to me is also discriminatory! Had I been in Maryland or Virginia, I could have hand delivered this material to your building. But, living in California I must rely on the authority, and legitimacy of another federal institution – The United States Postal Service. It would not occur to any normal person that their post-mark and their official postal receipt would not be sufficient for another federal United States agency. I cannot believe it!

I look forward to your prompt reply to this very important request for reconsideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W. Stark, Jr.', with a stylized flourish at the end.

William R. Stark, Jr.

PS – The letter I refer to was sent by Cliff Congo, Petitions Attorney, Office of Petitions
Telephone 571-272-3207
Fax 501-273-8300